

## REMARKS

### **I. Introduction**

Claims 1, 4, 5, 7, 8, 10, 13, 14, 17, 18, 20, 21 and 23-28 are currently pending after the addition of claims 23-28 and cancellation of claims 2, 3, 6, 9, 11, 12, 15, 16, 19 and 22. Claims 1, 10, 13 and 14 have been amended. In view of the following remarks, it is respectfully submitted that the pending claims are allowable, and reconsideration is respectfully requested.

### **II. Rejection of Claims 1, 4, 5, 10, 14, 17 and 18 under 35 U.S.C. § 103(a)**

Claims 1, 4, 5, 10, 14, 17 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Overview of CARAT-4, a Multi-body Simulation and Collision Modeling Program* ("Fittanto") in view of U.S. Patent No. 5,581,464 ("Woll"). Applicant respectfully submits that claims 1, 4, 5, 10, 14, 17 and 18 are not rendered obvious by the applied references, for at least the reasons set forth below.

In rejecting a claim under 35 U.S.C. §103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art references must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Amended independent claim 1 recites, in relevant parts, a "method for analyzing driving data of at least two vehicles involved in a collision, comprising: calculating a three-dimensional, kinematic model of the at least two vehicles, the model including at least one linear-motion-dynamics signal and at least one lateral-motion-dynamics signal and a radar signal of an adaptive cruise control system of each of the at least two vehicles, wherein the at least one lateral-motion-dynamics signal includes a rotational-rate signal of a yaw sensor, and wherein a time basis for the at least one linear-motion-dynamics signal and the

at least one lateral-motion-dynamics signal is provided by a real-time clock of at least one of the two vehicles and recorded, and wherein the radar signal of the adaptive cruise control system and the time basis provided by the real-time clock are utilized to form a frame of reference from which the relative positions of the at least two vehicles are determined; and visually representing the three-dimensional, kinematic model of the at least two vehicles involved in the collision.” Amended independent claims 10 and 14 recite substantially similar features as the above-recited features of claim 1.

In support of the rejection, the Examiner alleges that Fittanto describes a time basis for the at least one linear-motion-dynamics signal and the at least one lateral-motion-dynamics signal is provided by a real-time clock. It appears that the Office Action equates the simulation of vehicle movement as a function of time, described in Fittanto, with the “time basis” recited in claim 1. However, this interpretation clearly incorrect, because it is clear that post-collision simulation of movement as a function of time disclosed in Fittanto, where the time window is controlled by a user, is inconsistent with the claimed requirement that the time basis is provided by a real-time clock. As is well known, a real-time clock provides a measurement of current time. In the context of the present invention, the real-time clock provides a measurement of the current time as recorded by at least one of the two vehicles. Thus, Fittanto neither discloses nor suggests “wherein a time basis for the at least one linear-motion-dynamics signal and the at least one lateral-motion-dynamics signal is provided by a real-time clock of at least one of the two vehicles and recorded.”

The Examiner further cites Woll to cure the deficiencies of Fittanto, i.e., the Examiner cites Woll as teaching a clock signal used to control a RAM card. However, Woll clearly describes a digital clock signal which alternates between values of one and zero, rather than a real-time clock which measures current time, as recited in claim 1. Furthermore, the clock signal of Woll is entirely unrelated to the source of the alleged time basis in Fittanto. Therefore, to the extent that the Office Action attempts to adopt inconsistent definitions of the term “real-time clock,” it is respectfully submitted that the combination of Fittanto and Woll is improper.

Amended claim 1 also recites “wherein the radar signal of the adaptive cruise control system and the time basis provided by the real-time clock are utilized to form a

frame of reference from which the relative positions of the at least two vehicles are determined.” Support for this amendment is found at least on page 4, lines 15-19 of the Specification, which describes the formation of an absolute time base, e.g., a frame of reference, by combining measuring signals from a radar device with signals of a real-time clock. Thus, claim 1 has been rewritten to clarify that (i) both the radar signal and the time basis provided by the real-time clock are used to form a frame of reference, and (ii) the frame of reference is used to determine the relative positions of the two vehicles. In contrast, Woll does not suggest the use of the clock signal for anything besides controlling the RAM card, let alone suggest using a real-time clock to form a frame of reference from which the relative positions of at least two vehicles are determined.

In view of the foregoing, Applicant submits that claims 1, 10 and 14, as well as dependent claims 4, 5, 17 and 18, are not rendered obvious by the combination of Fittanto and Woll. The obviousness rejection of claims 1, 4, 5, 10, 14, 17 and 18 should be withdrawn.

### **III. Rejection of Claims 4 and 17 under 35 U.S.C. § 103(a)**

Claims 4 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Overview of CARAT-4, a Multi-body Simulation and Collision Modeling Program* (“Fittanto”) in view of U.S. Patent No. 5,581,464 (“Woll”) and U.S. Patent No. 6,246,933 (“Baque”). Applicant respectfully submits that claims 4 and 17 are not rendered obvious by the applied references, for at least the reasons set forth below.

Claims 4 and 17 depend on claims 1 and 14, respectively. In support of the rejection of claims 4 and 17, the Examiner cites Baque as teaching the feature of “the at least one linear-motion-dynamics signal includes at least one of speed signals of all wheels, vehicular-speed signals, longitudinal-acceleration signals, and a GPS signal.” Without passing judgment on the merits of the Examiner’s assertions regarding the teaching of Baque and the motivation for combining Fittanto, Woll and Baque, Applicant notes that the overall teachings of Fittanto, Woll and Baque clearly do not teach or suggest the features of parent claims 1 and 14, e.g., “calculating a three-dimensional, kinematic model of the at least two vehicles [involved in a collision], the model including at least one linear-motion-dynamics signal and at least one lateral-motion-dynamics signal and a radar signal of an adaptive cruise control system of each of the at least two vehicles, . . . wherein a time basis for the at least

one linear-motion-dynamics signal and the at least one lateral-motion-dynamics signal is provided by a real-time clock and recorded, and wherein the radar signal of the adaptive cruise control system and the time basis provided by the real-time clock are utilized to form a frame of reference from which the relative positions of the at least two vehicles are determined; and visually representing the three-dimensional, kinematic model of the at least two vehicles involved in the collision.”

For at least the foregoing reasons, Applicant submits that claims 1 and 14, as well as their dependent claims 4 and 17, are not rendered obvious by the combination of Fittanto, Woll and Baque.

#### **IV. Rejection of Claims 7 and 20 under 35 U.S.C. § 103(a)**

Claims 7 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Overview of CARAT-4, a Multi-body Simulation and Collision Modeling Program* (“Fittanto”) in view of U.S. Patent No. 5,581,464 (“Woll”) and U.S. Patent No. 6,675,074 (“Hathout”). Applicant respectfully submits that claims 7 and 20 are not rendered obvious by the applied references, for at least the reasons set forth below.

Claims 7 and 20 depend on claims 1 and 14, respectively. In support of the rejection of claims 7 and 20, the Examiner cites Hathout as teaching the feature of “utilizing a rotation-rate signal of an ESP system.” Without passing judgment on the merits of the Examiner’s assertions regarding the teaching of Hathout and the motivation for combining Fittanto, Woll and Hathout, Applicant notes that the overall teachings of Fittanto, Woll and Hathout clearly do not teach or suggest the features of parent claims 1 and 14, e.g., “calculating a three-dimensional, kinematic model of the at least two vehicles [involved in a collision], the model including at least one linear-motion-dynamics signal and at least one lateral-motion-dynamics signal and a radar signal of an adaptive cruise control system of each of the at least two vehicles, . . . wherein a time basis for the at least one linear-motion-dynamics signal and the at least one lateral-motion-dynamics signal is provided by a real-time clock and recorded, and wherein the radar signal of the adaptive cruise control system and the time basis provided by the real-time clock are utilized to form a frame of reference from which the relative positions of the at least two vehicles are determined; and visually representing the three-dimensional, kinematic model of the at least two vehicles involved in the collision.”

For at least the foregoing reasons, Applicant submits that claims 1 and 14, as well as their dependent claims 7 and 20, are not rendered obvious by the combination of Fittanto, Woll and Hathout.

**V. Rejection of Claims 8, 13 and 21 under 35 U.S.C. § 103(a)**

Claims 8, 13 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Overview of CARAT-4, a Multi-body Simulation and Collision Modeling Program* ("Fittanto") in view of U.S. Patent No. 5,581,464 ("Woll") and U.S. Patent No. 6,718,239 ("Rayner"). Applicant respectfully submits that claims 8, 13 and 21 are not rendered obvious by the applied references, for at least the reasons set forth below.

Claims 8, 13 and 21 depend on claims 1, 10 and 14, respectively. In support of the rejection of claims 8, 13 and 21, the Examiner cites Rayner as teaching the feature of "outputting a message based on the at least one linear-motion-dynamics signal and the at least one lateral-motion-dynamics signal in response to a predeterminable event." Without passing judgment on the merits of the Examiner's assertions regarding the teaching of Rayner and the motivation for combining Fittanto, Woll and Rayner, Applicant notes that the overall teachings of Fittanto, Woll and Rayner clearly do not teach or suggest the features of parent claims 1, 10 and 14, e.g., "calculating a three-dimensional, kinematic model of the at least two vehicles [involved in a collision], the model including at least one linear-motion-dynamics signal and at least one lateral-motion-dynamics signal and a radar signal of an adaptive cruise control system of each of the at least two vehicles, . . . wherein a time basis for the at least one linear-motion-dynamics signal and the at least one lateral-motion-dynamics signal is provided by a real-time clock and recorded, and wherein the radar signal of the adaptive cruise control system and the time basis provided by the real-time clock are utilized to form a frame of reference from which the relative positions of the at least two vehicles are determined; and visually representing the three-dimensional, kinematic model of the at least two vehicles involved in the collision."

For at least the foregoing reasons, Applicant submits that claims 1, 10 and 14, as well as their dependent claims 8, 13 and 21, are not rendered obvious by the combination of Fittanto, Woll and Rayner.

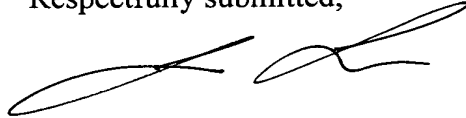
**VI. New Claims 23-28**

New claims 223-28, which depend from claim 1, 10 or 14, do not add any new matter and are supported by the present application, including the Specification. Claims 23-28 are therefore allowable for at least the same reasons stated above with respect to claims 1, 10 and 14.

**CONCLUSION**

In view of all of the above, it is respectfully submitted that all of the presently pending claims are allowable. A prompt, favorable action on the merits is respectfully requested.

Respectfully submitted,

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